#### 2012 ELECTION LAW CHANGES

Amend HB 1673 Ch. 95 Eff. 5/29/12

7:6-c. Enforcement of the Election Laws. I. Upon receipt of a signed written complaint, or upon his or her own motion, the attorney general may in his or her discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his or her powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he or she is empowered to hold under this section shall be given under oath. The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.

II.(a) Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law. (b) The report shall include, but not be limited to the following:

- (1) A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.
- (2) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.
- (3) For each complaint not investigated, an explanation of why the complaint was not investigated.
- (c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.

32:5, V-a. Budget Preparation; Tally Requirement. V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body may do so on its own initiative. (Effective: July 1, 2013)

32:5 V-b. Any town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject

to approval by the governing body.

Amend. SB 236 Ch. 113; Eff. 5/31/12

NEW

HB 1170

Chapter 6 Eff: 5/21/12

> 33-A:3-a, CXLI(c) (1) Party change form: until the voter is removed from checklist plus 7 years. (2) List of undeclared voters from the statewide centralized voter registration database: 7 years.

Ch. 217 HB 1633 Eff. 7/1/13 Amend

**40:13, V-a.** Use of Official Ballot; Tally Requirement. V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body, or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles or ballot questions shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article or on the ballot next to the affected ballot question. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article or on the ballot next to the affected ballot question, the

governing body may do so on its own initiative. (Effective: July 1, 2013)

Ch. 217 HB 1633 Eff. 7/1/2013 Amend

Ch. 284 SB 289 Eff.6/27/12 Amend

**RSA 260:21, V Identification Cards; Voucher.** V.(a) The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his *or her* driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. A person who requires a photo identification card only for voter identification purposes may obtain a voucher in the form provided for in subparagraph (b) from his or her town or city clerk or the secretary of state exempting the voter from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter identification purposes only, and the card, which shall be known as a voter identification card, shall be marked "for voter identification only."

(b) The identification card voucher shall be in the following form:

IDENTIFICATION CARD VOUCHER
To be completed by applicant:
Name:
Domicile Address:
Mailing Address:
I hereby swear or affirm that I require a photo identification for voting purposes and that I do not possess a form of identification that meets the requirements of the election laws of this state. I hereby swear or affirm that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.
(Signature of applicant)
To be completed by town or city clerk:
I, the clerk of (town or city), hereby swear or affirm that the person
identified on this voucher is listed on the voter checklist in this city or town.
(Signature of town or city clerk)
In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
information when voting is a class A misdemeanor with a maximum sentence of imprisonment

not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

RSA 652:24 Voter Identification Advisory Committee. I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state general election. If the committee determines that problems exist requiring statutory changes, the committee shall report its findings to the senate

- II. The members of the committee shall be as follows:
  - (a) The secretary of state or designee.
  - (b) The president of the senate or designee.
  - (c) The speaker of the house of representatives or designee.
  - (d) The governor or designee.
- (e) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.
- III. The committee shall meet at the call of the secretary of state or designee, who shall serve as chairperson.

# Notice of Voter Identification Requirements

652:25 Notice of Voter Identification Requirements. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this section.

Voter Education Requirements

### 652:26 Voter Education Requirements.

- I. The secretary of state shall prepare an explanatory document explaining the proof of identity requirements of RSA 659:13, including all the permissible methods for proving identity and the dates of applicability of these requirements. The secretary of state shall provide copies of the explanatory document to all towns and wards, so it will be available to all persons registering to vote at the city or town hall and at all polling places at each election held after the effective date of this section.
- II. The secretary of state shall take whatever measures he or she deems necessary to educate the public about the voter identification requirements in RSA 659:13. Such measures

Chapter 284 SB 289 Eff. 6/27/12 **NEW** 

shall include prominently displaying on the department of state's website information for voters relating to the voter identification requirements in RSA 659:13. The department shall also provide explanatory information relating to voter identification requirements to media outlets that request such information and shall encourage such outlets to assist the department in educating the public about the voter identification requirements in RSA 659:13.

Ch. 285. SB 318 Amend Eff. 8/26/12

▶ 654:1, I. [Last sentence of paragraph I is deleted].

## 654:7 Voter Registration; Voter Registration Form.

- I. Any person registering to vote shall be:
  - (a) At leat 18 years of age on the day of the election; and
  - (b) A United States citizen; and
  - (c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in paragraph IV.

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than  $8\frac{1}{2}$  inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

- 1. no change
- 2. Domicile Address
- 3-9 no changes

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read....not to exceed \$5,000.

### 654:12, I(a) Qualified Voter Affidavit

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship; the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date:
QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)
Name:
Name at birth if different:
Place of birth:
Date of birth:
Date and place of Naturalization:
Domicile Address:
Mailing Address (if different):

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this

SB 318 Ch. 285 Amend Eff. 8/26/12 SB 318 Ch. 285 Amend Eff. 8/26/12 date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct. \_\_\_\_\_ (Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence or imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, \_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

[ ] Identity [ ] Citizenship [ ] Age

\_\_\_\_ Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

# 654:12, I (c)

(c) DOMICILE. No changes except:

Add to form: Current Mailing Address (if different): \_\_\_\_\_\_\_(Street, Ward Number, Town or City, Zip Code)

And changes to affidavit as follows:

I hereby swear and affirm, under the penalties for voting fraud set forth below, that *I am not currently in possession of necessary documents to prove my domicile and that* my established domicile is at the current domicile address I have entered above. I understand that *a person* can claim only *one state and* one city/town as *his or her* domicile at a time. A domicile is that place, to which *upon* temporary absence, *a person has the intention of returning*. By registering or voting today, I *am acknowledging* that I am not *domiciled* or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

Ch. 285:7 SB 318 Eff. 8/26/12 Amend **654:12, III.** To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

#### 654:12, V(a)-(b) Voter Records.

V. (a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in new Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practicable applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a domicile affidavit.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at *any* election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The

Ch. 285:5 SB 318 Amend Eff. 8/26/12 letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

#### 654:12, V (d) Voter Registration; Domicile Verification.

- (d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.
- (e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office to be referred to the attorney general and the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.
- (f) Upon completion of any investigation authorized under this section, the attorney general shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

**654:34, II(b).** A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card or signing the list of undeclared voters from the statewide centralized voter registration database provided for in paragraph V. If cards are used, the voter shall return the card to the person at the polls designated by the town or city clerk to accept the card. All such cards and lists shall be in the possession of the supervisors of the checklist at the close of the polls on election day.

**654:34, V(a).** At any primary, the supervisors of the checklist shall make available within the polling place a card *or list of undeclared voters from the statewide centralized voter registration database* to enable a voter who was registered as an undeclared voter but who changed registration on the day of the primary in order to vote as a registered member of a party to change registration so that the voter is registered once again as an undeclared voter. The card *or list* shall be in substantially the following form:

Name \_\_\_\_\_\_ (print)
Address \_\_\_\_\_
I hereby request that my political party registration be changed as follows:
From: Democrat [ ] or Republican [ ]
To: Undeclared [ ]
Signed under the pains and penalties of perjury. \_\_\_\_\_\_

(b) The supervisors of the checklist, upon receipt of such a card *or list*, shall keep it in accordance with RSA 33-A:3-a and at *the public* session of supervisors of the checklist *on election day* shall change the party of the voter as indicated on the card *or list*.

**655:14-c** Change in Filing Period. Notwithstanding the provisions of RSA 655:14, if the elective districts for any office in RSA 662 have not been amended according to the most recently completed federal decennial census before the commencement of the filing period, the secretary of

Ch. 285:6 SB 318 Eff. 8/26 12 NEW

Amend SB 236 Chapter 113 Eff. 5/31/12

Amend SB 236 Ch. 113 Eff. 5/31/12

NEW HB 1719 Ch. 42 Eff: 5/2/12 state is hereby authorized to change or extend the filing period as necessary to implement revised elected districts.

Amend SB 236 Chapter 113 Eff. 5/31/12 **655:17-c Declaration of Intent; Political Organization**. *I.* Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, \_\_\_\_\_, chairman of the \_\_\_\_\_ organization hereby declare that the \_\_\_\_ organization intends to file nomination papers by the deadline established under RSA 655:43, I. II. At the time of filing the declaration of intent, the chairman of the political organization shall submit a list of the offices for which it intends to file candidates and the names of the candidates for those offices. In addition, each candidate shall file a declaration of candidacy. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the political organization does not obtain enough nomination papers to have its name placed on the ballot, any declarations of candidacy filed for that political organization shall be void.

Amend SB 236 Ch. 113: Eff 5/31/12 **655:37 Vacancy for Office on Party Ticket**. If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than the first *Tuesday* following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator, or state representative, he or she shall also file, no later than the first *Tuesday* following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his or her name printed on the state general election ballot for that office.

655:40-b, relative to filing names of candidates, is REPEALED.

Amend HB 1136 Chapter 26 Eff: 7/1/12 **655:81 Nominations for Special State Elections.** I. The special election shall be held on a Tuesday not less than *110* nor more than *124* days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between *80* and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than *110* nor more than *124* days following the day that the governor and council declare that there shall be a special election; and

655:81, IV. The primary shall be held 49 days prior to the special election; and

**655:82 Uncontested Primary**. In the event that no party has more than one candidate file *and no nonparty or other candidate files a declaration of intent*, the primary election shall not be conducted. *In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election*.

Ch. 284:5 SB 289 Eff. 6/27/12 Amend RSA 658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:13, RSA 659:13, RSA 659:13, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated. (Effective June 27, 2012)

HB 1354 Ch. 289:5 Eff. 7/6/12

HB 1354:2 Ch. 289 Effective: July 6, 2012 RSA 659:13. Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. Notwithstanding the provisions of RSA 659:13, as amended by this act, prior to November 1, 2012, if the voter does not present such identification, he or she may vote without executing a *challenged* voter affidavit, but the ballot clerk shall provide the voter with a copy of the explanatory document specified in RSA 652:26 and explain the need for photo identification after November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid photo identification at the September 2012 state primary election, and the town or city clerk shall report the number with the election return

**RSA 659:13 Obtaining a Ballot.** I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a *challenged* voter affidavit. The voter, if still qualified to vote in the town or ward and having presented a valid photo identification verifying the voter's identity or executed a challenged voter affidavit, and unless challenged as provided for in RSA 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and whether such voter executed a *challenged* voter affidavit.

- II. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:
- (a) A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date.
- (b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.
  - (c) A United States armed services identification card.
  - (d) A United States passport, regardless of expiration date.
- (e) Any other valid photo identification issued by federal, state, county, or municipal government.
  - (f) A valid student identification card.
- (g) A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a *challenged* voter affidavit as if no identification was presented.
- (h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.
- III. If a voter on the nonpublic checklist executes a *challenged* voter affidavit in accordance with paragraph I, the affidavit shall not be subject to RSA 91-A.
- IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a *challenged* voter affidavit in accordance with paragraph I. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the

letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

- (b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.
- (c) Within 60 days after a state general election, the secretary of state shall compile a report of the number of voters that did not present valid photo identification at each election occurring since the previous state general election, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law. (Eff: July 6, 2012)

**RSA 659:34, I(a)** When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

- (b) Votes more than once for any office or measure;
- (c) Applies for a ballot in a name other than his or her own;
- (d) Applies for a ballot in his or her own name after he or she has voted once;
- (e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654;
- (f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; or
  - (g) Presents falsified proof of identity at any election.
- II. A person is guilty of a class B felony if, at any election, such person purposely or knowingly commits an act specified in subparagraph I(b) or I(e). A person is guilty of a class A misdemeanor if, at any election, such person purposely or knowingly commits any of the other acts listed in paragraph I, and, if the act involved the use of false proof of identity or voting using the name of another person, the person shall be sentenced to a mandatory sentence in the county correctional facility of not less than 30 days for a first offense under this section, 90 days for a second offense under this section, and 180 days for a third or subsequent offense under this section.

Amend HB 1136 Eff: 7/1/12

661:8, III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 56 days prior to the date of the city's primary election. The filing period shall be held not more than 50 days nor less than 43 days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

Amend SB 236 Ch. 113 Eff. 5/31/12

659:73, VI (a) The number of ballots cast.

**659:73, VI** (b) The number of absentee *ballots cast*.

**659:88, I(b)** A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the first Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

Chapter 26

Ch. 284:6

SB 289 Eff. 6/27/12

Amend

Repealed and Reenacted SB 236 Ch. 113: Eff. 5/31/12

Amend SB 236 Ch. 113; Eff. 5/31/12

Amend SB 236 Ch. 113 Eff. 5/31/12

> Amend SB 236 Ch. 113 Eff. 5/31/12

659:90 Rejection of Nomination by Write-In Vote. Persons nominated by write-in vote who wish to reject the nomination shall reject their nominations as follows. A person notified in writing of his or her nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of state in writing if he or she wishes to reject the nomination. If such rejection of nomination is not received by the secretary of state by the first Tuesday following the date of the primary, the person shall be deemed to have accepted the nomination, and his or her name shall appear on the official ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline for the printing of the ballots, the candidate's name shall be printed on the official state general election ballot.

**659:91 Nominations for Incompatible Offices**. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state in person, in writing, by facsimile transmission, or by e-mailing a signed statement as an attachment no later than the *Friday* following the date of the primary of which nomination he or she will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than 5:00 p.m. on the *first Tuesday* following the date of the primary

**660:4** Time and Notice. Upon satisfactory application for a recount as provided in RSA 660:1, the secretary of state shall begin the process of recounting the ballots on *a date selected by the secretary of state, which shall be no later than* the Wednesday following the deadline for requesting a recount. A recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state. The secretary of state shall give a reasonable notice thereof to the applicant and to each of the opposing candidates. The secretary of state shall also prepare and distribute to the applicant and to each of the opposing candidates the rules and procedures governing the recount at the same time notice of the time and place for holding the recount is given to the applicant and to each opposing candidate.

660:7 Primary Recount Applications. I. Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than 10 votes or less than 1.5 percent of the total ballots cast in the primary for that party in the towns which comprise the office to be recounted. The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the *Friday* after the primary election. *Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2*.

- 662:1 Congressional Districts reapportioned. Chapter 18 | Eff. 6/22/12 | SB 202
- **662:2** Executive Council Districts reapportioned. Chapter 170 | Eff. 6/11/12 | HB 1670
- 662:3 State Senate Districts reapportioned. Chapter 8 | Eff. 3/23/12 | SB 201
- **662:4** County Commissioner Districts reapportioned. Chapter 17 | Eff. 4/23/12 | HB 1717
- 662:5 State Representative Districts reapportioned. Chapter 9 | Eff. 3/28/12 | HB 592
- 662:6 Delegates to State Party Conventions reapportioned. Chapter 63 | Eff. 5/14/12 | HB 1672

Amend SB 236 Ch. 113: Eff. 5/31/12 **665:5, I.** *If necessary*, the ballot law commission shall meet *on the third Thursday of September in each general election year and* the third Friday following the presidential primary election in order to hear and decide:

**671:33 School Districts; Vacancies**. *I.* Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term.

II.(a). The school board shall fill vacancies occurring on the school board, except as provided in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of

Ch. 239 SB 328 Eff. 8/17/12 Amend the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention.

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

*III.* Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator.

*IV.* Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board.